



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS

Gerald C. Mann
~~MISSOURI~~
ATTORNEY GENERAL

Honorable C. R. Allen
County Attorney
Hamilton County
Hamilton, Texas

Dear Sir:

Opinion No. O-5615
Re: County Commissioners
Traveling Expenses.

Your letter of September 14, 1943, requesting the opinion of this department on the questions stated therein reads as follows:

"I have been called upon by the commissioners court to construe the meaning of Chapter 362 page 637, General and Special Laws of Texas, Regular Session 48th Legislature, which is as follows:

"Section 1. In all counties of this state having a population of less than twenty-five thousand two hundred (25,200) according to the last preceding Federal Census, the Commissioners Court of such counties is hereby authorized to allow each Commissioner the sum of not more than that Twenty-five (\$25.00) Dollars per month for traveling expenses while on official in said counties."

"I would appreciate an opinion from your department construing the meaning of the language used in said act upon the following point: (1) Does the language used mean that the Commissioners Court may pass an order allowing each commissioner the sum of Twenty-five (\$25.00) Dollars per month for traveling expenses, without limitation, or does it mean that upon an itemized account being submitted, showing such expenses incurred, the court can allow only to the extent of the bill rendered?

"The Commissioners Court of the County is at a loss to know what their duty is in the matter and I am uncertain as to how the act should be construed and I would thank you for an opinion at your convenience."

We direct your attention to our Opinions Nos. O-5497 and O-5471, and enclose a copy of each for your convenience. Opinion No. O-5471 is an opinion in regard to the effective date of Senate Bill No. 319, Acts of the 48th Legislature, Regular Session, 1943, (Ch. 362, p. 637, General and Special Laws of Texas). Opinion No. O-5497 is an opinion passing on

a question similar to the one presented in your inquiry.

In view of Senate Bill No. 319, supra, it is our opinion that the Commissioner's Courts in all counties of this State having a population of less than 25,200 inhabitants, according to the last preceding federal census, is authorized by said Act to allow each commissioner the sum of not more than Twenty-five Dollars per month for traveling expenses while on official business. Provided, of course, a commissioner has expended Twenty-five Dollars during the month for traveling expenses while on official business. In other words each county commissioner in counties coming within the population bracket mentioned in the statute is entitled to Twenty-five Dollars per month for traveling expenses while on official business if he has actually expended that amount. However, if the amount of Twenty-five Dollars is not incurred as expenses while traveling on official business the commissioner is entitled only to the amount actually and necessarily expended. The court can allow only the amount rendered in the bill, and in no event can said amount exceed Twenty-five Dollars for each commissioner during any one month.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By /s/ Ardell Williams
Ardell Williams
Assistant

AW:mod:jrb

encl.

APPROVED SEPT. 21, 1943

/s/ Gerald G. Mann

ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE
BY HVB, Chairman